

Appn. No.: 10/635,595
Amdt. dated September 1, 2005
Reply to Office action of May 23, 2005

REMARKS

Reconsideration of this application as amended is respectfully requested.

The rejection of claim 1 as being anticipated by Sopia is respectfully traversed. One of ordinary skill in the art considering the design patent of Sopia would reasonably conclude that the features that the examiner has numbered "6" are towing lugs that would enable the user to attach a rope to the front end of the toboggan in order to tow it back up the hill following a run. These lugs 6 are spaced far above the runners (see in particular Figure 4). One skilled in the art would not reasonably consider them as runners, nor is it believed to be reasonable that the tow lugs would act as runners in operation.

Accordingly, it is respectfully submitted that the examiner is taking the disclosure of Sopia out of context based on applicant's teachings and is reading more into the disclosure than what is there.

Claim 1 has been amended to clarify the nature of the front runners. While this is not believed to be necessary to distinguish over Sopia, it is nonetheless made to clarify their purpose. They are first of all characterized as being ground-engageable and steerable. They are further characterized as curving upwardly and outwardly toward the front end of the sled to enable steering of the sled in response to engaging the front runners with the ground. This is unlike the tow lugs 6 of Sopia.

To the extent that the examiner would look to Johnson in order to modify the tow lug 6 of Sopia in order to curve upwardly and outwardly, it is further believed that such would be unreasonable and beyond the fair teachings of the references in the view of one ordinary skill in the art. The towing lugs 6 of Sopia would be reasonably seen to have a single purpose, that of the attachment of a tow rope. Changing their shape such that they would curve upwardly and outwardly would seem to have no reasonable added benefit in connection with attaching a rope and thus would not be invited by the Sopia reference. The curved front runners of Johnson do not appear to have any relation to the towing of the sled and thus their teachings would have no connection with any modification of the towing lugs of Sopia.

It is respectfully submitted, therefore, that claim 1 distinguishes applicant's invention patentably over Sopia alone or in combination with Johnson and should be allowed.

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Newly submitted claim 29 recites a sled including a dish-shaped body having a lower running surface, a rim spaced above the running surface and a curved side wall extending between the lower running surface and the rim. At least one breaking feature is formed in the curved side wall and projects outwardly of the body and is spaced from the lower running surface and from the rim and defines a corresponding recess on the opposite inner surface of the body. Such a sled is not shown in the prior art of record and is believed to be allowable. Claims 30 and 31 further characterize the braking feature and are likewise believed to be allowable.

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge Deposit Account No. 08-2789 in the amount of \$120 for payment of the one month extension of time.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 08-2789.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

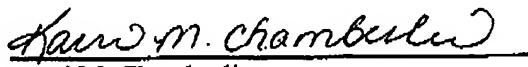

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September 1, 2005

Date

CERTIFICATE OF MAILING

I hereby certify that this Amendment for U.S. Serial No.: 10/635,595 filed August 6, 2003 is being sent via facsimile 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 1, 2005.


Karri M. Chamberlin